

REMARKS

Claims 14-22 and 24-27 are pending in this application. By this Amendment, claim 14 is amended. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The courtesies extended to Applicants' representative by Examiner Burch at the interview held February 23, 2009, are appreciated. Applicants' separate record of the substance of the personal interview is incorporated into the following remarks.

Claims 14-22 and 24-27 were rejected under 35 U.S.C. §112, second paragraph. The Office Action alleges that "the respective pressure medium flow path" is indefinite. Claim 14 has been amended responsive to the rejection.

The Advisory Action alleges that claim 14 would be indefinite if the second pressure medium flow path is recited before the first pressure medium flow path (and thus the February 26, 2009 Amendment was not entered). Consequently, the features of claim 14 have been re-ordered responsive to the Advisory Action.

It is respectfully requested that the rejection be withdrawn.

Claims 14-16, 19, 20 and 22 were rejected under 35 U.S.C. §103(a) over Taguchi, JP 2001-241403, in view of Achten, U.S. Patent No. 6,575,076. The rejection is respectfully traversed.

Claim 14 calls for a first hydraulic unit that is arranged in a first pressure medium flow path between the tank and the ring chamber and a second hydraulic unit that is arranged in the second pressure medium flow path between a ring chamber and a cylinder chamber whereby the first and/or the second pressure medium flow path is flowable through by pressure medium in both directions. The Office Action, on page 7, provided an annotated diagram from Taguchi that allegedly explains how Taguchi can read on the above referenced features of claim 14.

As discussed during the personal interview, this interpretation is not reasonable because it fails to consider the affects of the volumes A and B in pressure cylinder C. As discussed during the personal interview, the double line arrow exiting Taguchi's hydraulic machine P2 through check valve 21 and into chamber B would not occur because, when fluid is flowing into Taguchi's chamber B, the chamber is increasing in pressure and therefore preventing check valve 21 from opening. Thus, one of ordinary skill in the art could not reasonably interpret Taguchi as teaching or suggesting the annotated Figure from page 7 of the Office Action.

Additionally, one of ordinary skill in the art cannot reasonably interpret Taguchi's piston area A as a ring chamber because claim 14 calls for a piston rod side ring chamber. Piston area A does not include a piston rod and thus cannot be interpreted as a ring chamber.

The Advisory Action alleges that Taguchi's volumes A and B are formed from the same large chamber separated by piston 5. Applicants respectfully assert that such an interpretation is not reasonable because it relies on discerning a physical configuration from a schematic. This not reasonable because schematics do not show physical configurations of components. Thus, one of ordinary skill would not be able to discern, from the schematic alone, whether volumes A and B are part of the same large volume. Further, nothing else in Taguchi can reasonably be interpreted as disclosing the configuration of volumes A and B.

Further, Applicants respectfully assert that the interpretation set forth in the Advisory Action is not reasonable because the interpretation requires that chambers A and B effectively be the same chamber. One of ordinary skill would not interpret Taguchi in this manner because the chambers are separated by piston 5 and the chambers provide different functions (moving the piston 5 in opposite directions).

Further, Achten fails to overcome the deficiencies of Taguchi.

Claims 15, 16, 19, 20 and 22 are patentable by reason of their dependency from independent claim 14, as well as for the additional features they recite.

It is respectfully requested that the rejection be withdrawn.

Claim 17 was rejected under 35 U.S.C. §103(a) over Taguchi in view of Achten and Mitchell, U.S. Patent No. 6,216,456. The rejection is respectfully traversed.

As discussed above, Taguchi and Achten fail to teach or suggest all of the features of claim 14. Further, Mitchell fails to overcome the deficiencies of Taguchi and Achten. Thus, claim 17 is patentable by reason of its dependency from independent claim 14, as well as for the additional features it recites.

It is respectfully requested that the rejection be withdrawn.

Claim 18 was rejected under 35 U.S.C. §103(a) over Taguchi in view of Achten and Gezari, U.S. Patent No. 5,810,125. The rejection is respectfully traversed.

As discussed above, Taguchi and Achten fail to teach or suggest all of the features of independent claim 14. Further, Gezari fails to overcome the deficiencies of Taguchi and Achten. Thus, claim 18 is patentable by reason of its dependency from independent claim 14, as well as for the additional features it recites.

It is respectfully request that the rejection be withdrawn.

Claim 21 was rejected under 35 U.S.C. §103(a) over Taguchi in view of Achten and Morris, U.S. Patent No. 5,988,330. The rejection is respectfully traversed.

As discussed above, Taguchi and Achten fail to teach or suggest all of the features of independent claim 14. Further, Morris fails to overcome the deficiencies of Taguchi and Achten. Thus, claim 21 is patentable by reason of its dependency from independent claim 14, as well as for the additional features it recites.

It is respectfully requested that the rejection be withdrawn.

Claims 24-26 were rejected under 35 U.S.C. §103(a) over Taguchi in view of Achten and Kruckemeyer et al., U.S. Patent No. 5,706,919. The rejection is respectfully traversed.

As discussed above, Taguchi and Achten fail to teach or suggest all of the features of independent claim 14. Further, Kruckemeyer fails to overcome the deficiencies of Taguchi and Achten. Thus, claims 24-26 are patentable by reason of their dependency from independent claim 14, as well as for the additional features they recite.

It is respectfully requested that the rejection be withdrawn.

Claim 27 was rejected under 35 U.S.C. §103(a) over Taguchi in view of Achten and Phelan et al., U.S. Patent No. 6,705,440. The rejection is respectfully traversed.

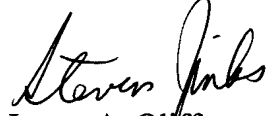
As discussed above, Taguchi and Achten fail to teach or suggest all of the features of independent claim 14. Further, Phelan fails to overcome the deficiencies of Taguchi and Achten. Thus, claim 27 is patentable by reason of its dependency from independent claim 14, as well as for the additional features it recite.

It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff

Registration No. 27,075

Steven D. Jinks

Registration No. 62,760

JAO:SDJ/bab

Attachment:

Petition for Extension of Time

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OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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